

Remarks:

Claims

By the present amendment, claims 31, 39, 60, 62 and 65 have been amended; and claims 36-37, 68-69 and 71 has been cancelled without prejudice. Claims 31, 38-39, 60-62 and 65 are pending.

Support for the amendments is apparent, and no new matter is added. Reconsideration of the rejections is respectfully requested.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 31, 39, 60-62, 65 and 71 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Office Action posits that claim 31 is vague, and that the metes and bounds of “one other antigen” in claim 62 is difficult to understand.

Without conceding the correctness of the rejection, Applicants have amended claims 31 and 62 to more particularly and distinctly claim the subject matter of the invention. Reconsideration of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

Claim Rejections - 35 U.S.C. §102(b), Martin et al.

Claims 31, 39, 60-62, 65 and 71 stand rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Martin et al. In particular, the Office Action asserts that Martin et al. discloses outer membrane protein from whole cell lysate preparations from *N. meningitidis*. The Office Action notes that monoclonal antibodies were produced by immunizing mice with the OM preparation. The Office Action asserts that the disclosed composition, i.e., whole cell lysates from *N. meningitidis* in buffer inherently comprise the amino acid sequence as set forth in SEQ ID NO:2.

Without conceding the correctness of the rejection, Applicants have amended claims 31, 39, 60, 62 and 65 to recite an isolated, recombinant polypeptide. The claimed isolate is not disclosed or suggested by the OM preparations described in Martin et al. Accordingly, reconsideration of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §102(b), Tonjum et al.

Claims 31 and 71 stand rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Tonjum et al. The Office Action posits that the amino acid sequence having the accession number Q9ZHF3 anticipates the claimed invention.

Applicants respectfully disagree. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in the reference (MPEP § 2131.01). The Office Action refers to a polypeptide that has only 80% identity to the claimed polypeptide. Accordingly, Tonjum et al. fails to disclose or suggest the claimed polypeptide. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections - 35 U.S.C. §102(b), Drake et al.

Claims 31 and 71 stand rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Drake et al. The Office Action posits that the amino acid sequence having the accession number Q50972 anticipates the claimed invention.

Applicants respectfully disagree. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in the reference (MPEP § 2131.01). The Office Action refers to a polypeptide that has only 78% identity to the claimed polypeptide. Accordingly, Drake et al. fails to disclose or suggest the claimed polypeptide. Reconsideration and withdrawal of the rejection are respectfully requested.

FEE DEFICIENCY

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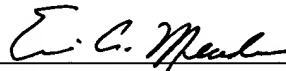
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Closing Remarks

Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration in view of this response and allowance of the pending claims are earnestly solicited.

Respectfully submitted,



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